

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

YASEEN SHARIF,

Plaintiff,

vs.

**ADAMS SECURITY, INC., LEONARD ADAMS, SR.,
LEONARD ADAMS, JR.**

Defendants.

ORDER

Index No.: 04-CV-6009 T(F)

Plaintiff, Yaseen Sharif ("Sharif") having moved this Court for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure and in support thereof having submitted the Statement of Material Facts dated August 22, 2006, and the Affidavit of Yaseen Sharif, dated June 16, 2006 with exhibits annexed thereto, and no affidavits in opposition to the motion having been submitted by the Defendants; and

The matter having come on regularly for hearing, on October 19, 2006 before the Honorable Michael A. Telesca, presiding at the U.S. District Court, for the Western District of New York, located at 100 State Street, Rochester, New York ; and

Plaintiff having personally appeared in Court with his attorney of record, Andrew J. Ryan, Esq., of Woods Oviatt Gilman LLP; and

No appearance having been made by any of the Defendants or their attorney of record, H. Todd Bullard, Esq.; and

NOW, THEREFORE, upon the reading of the papers submitted and oral argument being presented on behalf of Plaintiff, the Court makes the following orders:

IT IS ORDERED, that the filing of a petition in Bankruptcy Court by Defendant Leonard Adams, Sr., does not stay this case pursuant to 11 USC 362(d); and it is further

ORDERED, that the judgment granted herein is not dischargeable in the Bankruptcy Court, pursuant to 11 USC 523(a)(4)(6); and it is further

ORDERED, that the Plaintiff's Motion for Summary Judgment on his First Cause of Action concerning the violation by Defendants of the Fair Labor Standards Act, is **GRANTED** and the Court awards Plaintiff \$780.00 in unpaid overtime pay, along with an additional \$780.00 for liquidated damages for a total of \$1,560.00 on the Plaintiff's First Cause of Action; and it is further

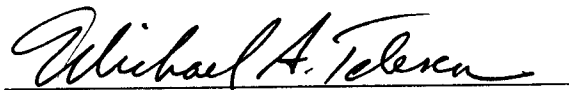
ORDERED that Plaintiff's Second Cause of Action concerning the Defendants' taking retaliatory actions against the Plaintiff is **GRANTED**, and Plaintiff is awarded judgment in the amount of \$55,608.51 on Plaintiff's Second Cause of Action; and it is further

ORDERED that Plaintiff's request for attorney's fees is **GRANTED** and the Defendants are ordered to pay to the attorneys for Plaintiff, Woods Oviatt Gilman LLP, the sum of \$7,500.00 as and for attorneys fees for prosecuting the within action, as well as an additional \$414.34 for the costs and disbursements incurred in this matter, for a total award of \$7,914.34 payable to Woods Oviatt Gilman LLP; and it is further

ORDERED that service of this Order upon the attorney for the Defendants, H. Todd Bullard, Esq., shall constitute notice upon the Defendants, and each of them.

Dated: October 24, 2006
Rochester, New York

IT IS SO ORDERED



Michael A. Telesca
United States District Court